REMARKS

In an Office Action dated December 16, 2003, the Examiner rejected all claims under 35 U.S.C. 112, second paragraph. Applicants are deleting the phrase "in accordance with the principles of the prior art" and substituting the phrase "using the available radio channel" in claims 1 and 9. It is of course well known that in wireless systems a connection is made using an available radio channel as discussed in the Problem statement, page 1, lines 7-9. Applicants are also amending claims 7 and 15 to delete the phrase "as in the prior art". Applicants respectfully submit that with this amendment the grounds for rejection under 35 U.S.C. 112 are overcome.

The Examiner rejected claims 1-2, 4-10, and 12-16 as being unpatentable over U.S. Patent 6,456,842 (Subramanian) in view of U.S. Patent 6,122,509 (Nguyen); and rejected claims 3 and 11 as being unpatentable over Subramanian in view of Nguyen and further in view of U.S. Patent 6,138,010 (Rabe).

Applicants respectfully disagree with these grounds for rejection. Subramanian relates to arrangements for callback on busy in a cellular network. If a cellular subscriber is informed that the called party is busy, the calling party can request a callback as soon as the called party becomes available. The call specifies a time interval during which the called party is to be tested for availability and if, during that time interval, the called party becomes available, the calling party is recalled in order to attempt to complete the call.

Nguyen discloses arrangements for automatically establishing a connection at a selected time in a radio telecommunications network. The caller sends data to the network including the selected time and destination number of the terminating party. When the selected time has arrived, the system tests for the availability of the calling party and establishes a connection to the calling party. Eventually, a connection is established between the calling and called parties.

In contrast, Applicants' invention relates to the establishment of calls originated by a wireless station; the wireless station in order to make a call must be connected to the telecommunications network (a cell site) using one of a limited number of radio channels. The radio channels are a scarce resource; frequently during the busy hour no such radio channels are available. Applicants' invention relates to arrangements for reserving and seizing a radio channel when no radio channel is available when the caller originally

attempts to make the call. Thus, the invention relates only to the seizure of a radio channel from the caller to the wireless network and does not relate to arrangements for establishing calls when the called party is busy (Subramanian) and does not relate to booked calls (Nguyen), i.e., calls which are prescheduled to be made at a certain time.

Thus, the subject matter of the two cited applications (Rabe was only cited for two of the dependent claims) is different from the subject matter of Applicants' invention.

Concerning the Examiner's specific grounds for rejection, Applicants have the following comments.

Concerning the rejection of claim 1, the Examiner states:

> If no radio channel is available for said call deferring establishment of said call (Fig. 3A-B; column 5, lines 14-24).

The cited passage relates to the condition wherein the called party, which was busy when the call was initially placed (block 315 which is a necessary condition for block 385), invokes service before there is a chance to connect the caller to the called party. In that case, the callback of the calling party is deferred until the called party once again becomes idle. This is different from Applicants' claimed invention wherein the availability of radio channels from the caller is tested and the establishment of the call is deferred until an assigned time. In accordance with claim 4, a channel is assigned at the assigned time and the user is called back in order to allow the call to proceed. Note that the condition in Subramanian is not "no radio channel available" but "called party busy" and, in the specific case referred to by the Examiner, called party busy and called party upon becoming idle immediately making another service request; this is in contrast to Applicants' claimed invention wherein the deferring is in response to "no radio channel from said originator is available". [as amended]

Regarding claim 9, the Examiner states that Subramanian teaches: "If no radio channel is available for said call deferring establishment of said call."
On the contrary, Subramanian teaches that <u>if the called party is busy</u>, deferring establishment of said call. Clearly there is a patentable distinction between the situations in which the called party is busy (Subramanian) and the situation in which no radio channels are available between the caller and the wireless network (Applicants' invention).

Accordingly, Applicants respectfully submit that Subramanian, even when supplemented with Nguyen who teaches an arrangement for deferring establishment of the call, does not suggest Applicants' claimed invention as recited in the amended claims. Applicants therefore respectfully request that the Examiner reconsider the rejections, allow claims 1-16, as amended, and pass the application to issue.

If the Examiner feels that a voice or fax communication would help to advance the prosecution of this application, the Examiner is invited to call or fax Applicants' attorney at 630 469-3575.

Respectfully submitted
S. C. Goss et al.

Werner Ulrich

by Werner Ulrich
Attorney for Applicants
Reg. No. 30810

Date: 2/25/04